

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

HEARING OFFICER DIRECTIVE

DOCKET NO. 2014-372-T ORDER NO. 2014-5-H

JANUARY 22, 2015

Hearing Officer: Randall Dong

DOCKET DESCRIPTION:

Application of Rasier, LLC for a Class C Certificate of Public Convenience and Necessity for Operation of a Motor Vehicle Carrier

MATTER UNDER CONSIDERATION:

Motion to Compel, Motion for Protective Order, Motions to Strike, and Scheduling Matters

HEARING OFFICER'S ACTION:

Before the Hearing Officer is the Motion to Compel submitted by Checker Yellow Cab Company, Inc. and the Motion for Protective Order filed by the Applicant Rasier, LLC. Also pending are motions by both parties to strike testimony.

At the outset, the Hearing Officer denies both Motions to Strike. In order to create a complete record, motions to strike are disfavored in administrative proceedings. *See, In re ConocoPhillips Transp. Alaska, Inc., et al.*, 2011 WL 6318621 (Reg. Comm'n. of Alaska 2011). The Commission is fully able to consider the relative weights of the disputed testimony at the hearing on the merits in this case.

As the parties agreed at the hearing on January 15, 2015 that certain information, documents and things would be produced under a confidentiality agreement, the Hearing Officer directs that the parties enter into such an agreement with terms to be mutually agreed upon.

The Applicant shall comply with this Directive no later than Wednesday, January 28, 2015. Any supplemental direct testimony shall be filed no later than Tuesday, February 17, 2015. Rebuttal testimony, if any, shall be filed no later than Thursday, February 19, 2015. The merits hearing in this matter will be scheduled by the Commission.

With regard to the Motion to Compel, the Hearing Officer hereby orders the Applicant to answer the following interrogatories, as limited herein. The numbers of these items do not necessarily correspond with the numbering on the original requests:

1. State the number of rides completed by Rasier, its affiliated companies, and/or its driver/partners in the State of South Carolina from the commencement of operations in 2014 through January 15, 2015.
2. Provide the names, addresses, and contact information for the person or persons who are the custodians of records of: (a) money collected by Rasier and any affiliated companies arising from rides performed by the Applicant's driver/partners in South Carolina; and (b) money disbursed from Rasier and any affiliated companies to its driver/partners in South Carolina.
3. List all jurisdictions (state and municipal) in the United States where the Applicant or its affiliated companies have been ordered to cease operations.
4. List all jurisdictions in which the Applicant or its affiliated companies have continued to operate after being ordered to cease operations.
5. Provide the number of fines and the aggregate sum paid by Applicant or its affiliated companies on behalf of its driver/partners in South Carolina.
6. Who sets the prices charged by the Applicant and/or its driver/partners?

The Hearing Officer orders the Applicant to produce the following documents and things. The numbers of these items do not necessarily correspond with the numbering on the original requests:

1. Provide a list of driver/partners of the Applicant or its affiliated companies who have provided rides to passengers in South Carolina in 2014. Include the drivers' names, addresses, and telephone numbers.
2. Provide any business record reflecting gross receipts collected by the Applicant for rides provided in South Carolina by driver/partners of the Applicant or its affiliated companies.
3. Provide a copy of the agreement governing the relationship between the Applicant and its driver/partners.

The Hearing Officer denies the request by Checker Yellow that he deem the Applicant's responses to certain Requests to Admit insufficient and therefore admitted. If any requested admissions denied by Applicant are proven at the hearing on this matter, Checker Yellow may make application for an award of costs and fees pursuant to S.C.R.Civ.P. 37(c).